

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2010 JUL 19 P 1:01

ASAD SAMMI NIYAZ,

Plaintiff,

v.

BANK OF AMERICA, et al.,

Defendants.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

C.A. No. 1:10cv 796
JCC/TRJ

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants Bank of America, NA, Countrywide Home Loans, Inc., BAC Home Loans Servicing LP, Recontrust Company, NA and Mortgage Electronic Registration Systems, Inc., pursuant to 28 U.S.C. §§ 1441, et seq., hereby remove to this Court the action entitled Niyaz v. Bank of America, et al., Civil Case No. CL61937, filed in the Circuit Court for Loudoun County, Virginia (the "Action"). The other defendant, Samuel I. White, P.C. has not been served. Copies of Plaintiff's Complaint and other documents, constituting all process, pleadings, and orders received by Defendants from the files of the state court are attached as Exhibit A.

THE PARTIES

1. Upon information and belief, Plaintiff Asad Sammi Niyaz is a citizen of Virginia.
2. Defendants Bank of America, NA, Countrywide Home Loans, Inc., BAC Home Loans Servicing LP and Recontrust Company, NA are not citizens of Virginia for purposes of removal. Bank of America, NA is a national banking association with its principal place of business in North Carolina. Countrywide Home Loans, Inc. is a New York corporation with its principal place of business in California. BAC Home Loans Servicing LP is a limited liability

company whose sole member is Bank of America, N.A. Recontrust Company, NA is a national banking association with its principal place of business in Texas.

3. Mortgage Electronic Systems, Inc. is a Virginia corporation with its principle places of business in Virginia. Samuel I. White, PC is a professional corporation with its principal place of business in Virginia.

COMPLAINT

4. On or about June 2, 2010, Plaintiff filed a complaint against Defendants in the Circuit Court of Loudoun County, Virginia.

SERVICE OF THE COMPLAINT

5. Defendants Bank of America, NA, Countrywide Home Loans, Inc., BAC Home Loans Servicing LP, Recontrust Company, NA, Mortgage Electronic Registration Systems, Inc and Samuel I. White have not yet been served with a copy of the Complaint, the initial pleading setting forth the claims. Accordingly, this Notice of Removal is timely because it has been filed within the thirty-day period prescribed by 28 U.S.C. § 1446(b).

JURISDICTION

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331. This civil action arises under federal law, as it purports to state a claim under the National Housing Act, 12 U.S.C. § 1701x(c)(5).

7. This Court also has supplemental jurisdiction over this action pursuant to 28 U.S.C. § 1367 because the matters alleged in the Complaint are part of the same case or controversy.


8. Annexed to this Notice, in accordance with 28 U.S.C. § 1446, are copies of all papers, pleadings, and orders received by Defendants.

9. Defendants Bank of America, NA, Countrywide Home Loans, Inc., BAC Home Loans Servicing LP, Recontrust Company, NA and Mortgage Electronic Registration Systems, Inc. will file a copy of this Notice with the Clerk of the Circuit Court for the County of Fairfax, Virginia, in accordance with 28 U.S.C. § 1446(d).

10. All Defendants expressly reserve all rights and defenses relating to Plaintiff's claims.

WHEREFORE, Defendants Bank of America, NA, Countrywide Home Loans, Inc., BAC Home Loans Servicing LP, Recontrust Company, NA and Mortgage Electronic Registration Systems, Inc. remove this action from the Circuit Court for Loudoun County, Virginia to this Court pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jenelle Dennis", is written over a horizontal line.

Gary C. Tepper
Jenelle M. Dennis (VA Bar No. 66569)
BALLARD SPAHR LLP
4800 Montgomery Lane, 7th Floor
Bethesda, MD 20814-3401
Telephone (301) 664-6200
Facsimile: (301) 664-6299
Email: dennisj@ballardspahr.com

Attorneys for Defendants
Bank of America, NA, Countrywide Home Loans,
Inc., BAC Home Loans Servicing LP, Recontrust
Company, NA and Mortgage Electronic
Registration Systems, Inc.

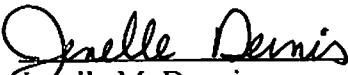
Dated: July 19, 2010

CERTIFICATE OF SERVICE

I certify that I have this 19th day of July 2010, caused the foregoing Notice of Removal with Exhibit A to be served by first-class mail, postage prepaid, upon:

Asad Sammi Niyaz
20278 Glenrobin Terrace
Ashburn, VA 20147

Ronald Guillot
SAMUEL I. WHITE, P.C.
5040 Corporate Woods Dr
Suite 120
Virginia Beach, VA 23462


Jenelle M. Dennis